

**STEPHEN F. FRANKS**

P.O. BOX 846 - HENDERSONVILLE, NC 28793 -

DISTRICT COURT JUDGE, Retired  
29<sup>TH</sup> JUDICIAL DISTRICT

October 7, 2008

Office of General Counsel  
Federal Election Commission  
999 E Street NW  
Washington, DC 20463

MUR # 6096

2008 OCT 14 P 1:53

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

RE: Complaint against Presidential Candidate, John McCain

To Whom It May Concern

It is alleged that Presidential Candidate John McCain violated Federal Election Laws in his campaign for President of the United States on October 3, 2008 in that:

1. Presidential Candidate John McCain accepted Federal financing of his Presidential campaign in the General Election for 2008.
2. As a condition of accepting Federal funds to finance the general election campaign, Mr. McCain agreed to forgo any solicitation of funds from any sources.
3. On October 3, 2008 John McCain caused to be sent to the undersigned a letter in which he requested \$5,000 for his election campaign.
4. The letter was headed "John McCain" and was signed "John" over the printed signature of "John McCain".
5. The letter asked for an emergency contribution of \$5,000, \$1,000, \$500, \$250 or \$100 to the McCain-Palin Victory 2008 as soon as possible. The entire tenor of the letter conveyed the urgency of soliciting funds for the McCain - Palin campaign.
6. Buried in the letter is a paragraph that refers to \$2,300 of any donation being used as the campaign's legal and accounting cost incurred in the campaign. The overwhelming tenor, however, of the letter emphasized the urgency of contributing to the Presidential - Vice Presidential campaign.
7. Included with the letter was an Emergency Campaign Reply headed McCain - Palin Victory 2008, a request that checks be payable to McCain - Palin

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**Victory 2008 and a Fed Ex air bill addressed to John McCain, McCain –  
Palin Victory 2008, 1235 South Clark Street, Suite M, Arlington VA, 22202.**

- 8. No logical conclusion can be gained from the mailing of John McCain that this is a request for funds for the John McCain campaign.**
- 9. Although the reverse side of the Emergency Campaign Reply states that funds contributed will be distributed in a percentage allocation, this information is so displayed that the recipient of the request from John McCain would not be aware of the disposition of funds.**
- 10. The mailing of John McCain is misleading, deceptive, and fraudulent in that recipients are led to believe by the mailing that they are contributing to the McCain – Palin Presidential - Vice Presidential Campaign.**

**It is requested, therefore, that the Commission issue a Cease and Desist Order to the John McCain – Sara Palin Presidential and Vice Presidential campaign from issuance of additional mailings either identical to or similar to the enclosed documentation pending a full hearing before the Federal Election Commission.**

**Further, it is requested that the undersigned be allowed to appear before the Federal Election Commission, that John McCain be subpoenaed to appear for examination and that all funds accumulated heretofore by similar letters as identified in the attachments be impounded and held for further disposition by the Commission.**

**Inasmuch as this complaint is being filed within thirty days of the 2008 election, it is requested that the Commission act expeditiously to sequester funds already received, and to order without delay a hearing on the issues raised in this complaint.**

**Sincerely,**

  
**Stephen F. Franks**

**Enclosures**

**Signed and Sworn to before me**

**OCT. 7, 2008**



**Notary Public**

**My commission expires 8/04/2011**

# JOHN MCCAIN

Mr. Stephen F. Franks

Hendersonville, NC 28739

Dear Mr. Franks,

I have never been one to mince words, so I'll get right to the point.

If you are at all concerned about the prospect of the Democrats gaining total control of the federal government, then your help is needed right now.

To stay competitive and ultimately win this election we must raise \$10 million by October 13th. That is an enormous challenge. And we cannot do it alone – we must have your help to meet that goal.

That is why I hope you will use the enclosed pre-paid, pre-addressed Federal Express Envelope and rush an Emergency Contribution of \$5,000, \$1,000, \$500, \$250 or \$100 to the McCain-Palin Victory 2008 as soon as you possibly can.

Let me tell you why your support is so urgent.

The Democrats are unprecedented in the amount of money they have already raised and spent, in the number of TV ads they are running, and in the amount of unquestioning media coverage they are receiving.

And that doesn't even scratch the surface of the amount of liberal special interest spending that is being done on their behalf by organizations like MoveOn.org and the Big Labor Union AFSCME.

While there is no doubt that our Party is in for the toughest political battle we have ever faced, I know we can win. We defied greater odds before, and we are in strong position now.

Our challenge is clear. We must make this campaign about the issues. We must get the voters to break through the smokescreen of the Obama Democrats empty rhetoric and focus on the reality of their tax-and-spend domestic plans and irresponsible foreign policy.

The difference between me and our Republican candidates, and the Obama Democrats is unmistakable. If we lose the presidency we could be facing one of the most radical and extreme shifts in the direction of our nation in American history. *And if Democrats also retain control of Congress, they would control the entire federal government and would be unstoppable.*

As we have already witnessed, the Obama Democrats and their special interest allies are willing to say and do anything to defeat me and all our Republican candidates.

(Next page, please)

PO Box 7805 ★ Merrifield, VA 22116

**Paid for by McCain-Palin Victory 2008**

A joint fundraising committee by and composed of the Republican National Committee, the Michigan Republican Party, the Missouri Republican State Committee, the Ohio Republican Party State Central & Executive Committee, the Republican Federal Committee of Pennsylvania, and McCain-Palin Compliance Fund.

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But I have absolute conviction that – with your help – we will win this pivotal election.

And we must.

Americans do not want higher taxes – the Obama Democrats do. Americans don't want to hand a victory to al Qaeda – the Obama Democrats do. Americans don't want higher gas prices – but the Obama Democrats are ignoring the problem.

We need to make sure that the voters know that this is how Senator Barack Obama and the Democrats want to change America.

And they will, if you send \$5,000, \$1,000, \$500, \$250 or \$100 to the McCain-Palin Victory 2008 in the enclosed Federal Express Overnight Envelope. With your support we will have the resources to battle back and continue to take our message to America's voters.

The McCain-Palin Victory 2008 also includes the McCain-Palin Compliance Fund, to which the federal election laws permit you to contribute up to \$2,300 to help offset the McCain-Palin 2008 campaign's legal and accounting costs incurred during the campaign. This money will also be used so the campaign doesn't have to pay legal and accounting costs from the general campaign account, which means more money for "get-out-the-vote" mailers, yard signs, bumper stickers and advertising in battleground states.

I have often said that each and every one of us has a duty to serve a cause greater than our own self-interest. Our cause in this election is great. The outcome will set a course that will touch the lives of hundreds of millions of Americans. It will either set us on a path to greater freedom, prosperity and peace, or it will detour us into a wilderness of big government babysitting, strangling taxes, and a dangerously naive foreign policy.

Mr. Franks, please respond by October 13th. I look forward to working with you in the days ahead as we battle to win the White House and races all across the country.

Sincerely,



John McCain

P.S. Mr. Franks, I need you to stand with me. The next 10 days are extremely critical. Whatever you can afford to send – please send it today. The only way we can defeat the Democrats bid for the White House and complete control of our government, and effectively challenge the most massive fundraising machine in campaign history is with your immediate help. Please rush your Emergency Campaign Contribution for \$5,000, \$1,000, \$500 \$250 or \$100 to McCain-Palin Victory 2008 by placing it in the enclosed pre-paid, pre-addressed Federal Express Overnight Envelope and calling 1-800-238-5355 for a free pick-up today. Thank you!

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# McCain-Palin Victory 2008

## EMERGENCY CAMPAIGN REPLY

Mr. Stephen F. Franks

Hendersonville, NC 28739

**Please Return  
IMMEDIATELY  
In the Pre-Paid  
Envelope Provided**

Dear John,

- ☐ I am proud to stand with you as the Obama Democrats and their wealthy liberal backers focus their attacks squarely on defeating you and all our Republican candidates. I want to do all I can to help stop the Democrats from seizing control of the White House and the entire federal government and implementing their radically liberal policies for our nation.
- ☐ I am sending the following contribution to ensure we meet our goal of raising \$10 million in the next 10 days to ensure we get out our message and win a resounding victory for America on November 4th.

<input type="checkbox"/> \$5,000	<input type="checkbox"/> \$2,500	<input type="checkbox"/> \$1,000	<input type="checkbox"/> \$500
<input type="checkbox"/> \$250	<input type="checkbox"/> \$100	<input type="checkbox"/> \$ _____	Other

Please make checks payable to: McCain-Palin Victory 2008

See reverse to fill out important additional information and for credit card contributions.

**You can also make your contribution online by going to  
McCainPalinVictory2008.com/win or by calling 1-866-598-9862.**

### INSTRUCTIONS FOR MAILING:

1. Make your check payable to: McCain-Palin Victory 2008.
2. Enclose your check in the pre-paid envelope and return by October 13th.
3. Call Federal Express toll-free at 1-800-238-5355 to arrange for a pick-up.  
(You do not need to be present for pick-up. Ask Federal Express for details.)

MVP2036  
89122009

PO Box 7805 ★ Merrifield, VA 22116

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### Contribution Options:

- ☐ Enclosed personal check payable to: McCain-Palin Victory 2008.  
☐ Charge my personal contribution to the credit card below:

Type of credit card: ☐ VISA ☐ M/C ☐ DISC ☐ AMEX

Credit card number:

Exp. date:

Name as it appears on card:

Amount: \$

Signature:

Date:

- ☐ My signature above verifies this contribution to McCain-Palin Victory 2008 represents my personal funds and is not drawn on an account maintained by an incorporated entity or other prohibited sources.

Contributions to McCain-Palin Victory 2008 ("Victory 2008") are not deductible as charitable contributions for federal income tax purposes. Victory 2008 allocates contributions to the Republican National Committee ("RNC"), the state parties' federal accounts, and the McCain-Palin Compliance Fund ("Compliance Fund") in conformity with federal limits. Unless a contribution would exceed federal limits or a contributor designates otherwise, Victory 2008 will divide contributions as follows:

- For Individuals – The first \$28,500 will go to the RNC, the next portion will be divided evenly between the Michigan, Missouri, Ohio, and Pennsylvania state parties' federal accounts up to a maximum of \$9,250 for each Committee, and the final \$2,300 will go to the Compliance Fund.
- For Federal Multicandidate PACs – The first \$15,000 will go to the RNC, the next portion will be divided evenly between the Michigan, Missouri, Ohio, and Pennsylvania state parties' federal accounts up to a maximum of \$5,000 for each Committee, and the final \$5,000 will go to the Compliance Fund.

Contributions to the Compliance Fund will be used solely for legal and accounting services to ensure compliance with federal law and not for campaign activities. Compliance funds may defray a portion of broadcast advertising, national and state office "overhead," and computer/website expenses. Contributions from corporations, labor unions, federal contractors, and foreign nationals without permanent residency status to Victory 2008 are prohibited. \*Federal law requires us to report the name, address, occupation, and employer of any contributor who gives more than \$200 in an election cycle (for Compliance Fund contributions) or more than \$200 in a calendar year (for RNC and state-party contributions).

Occupation:

Employer:

Full Name:

Contributor Signature:

Your Address:

Spouse's Name (if joint contribution):

Spouse's Signature:

Spouse's Occupation (if joint contribution):

Spouse's Employer:

Spouse's Address:

- ☐ Check here if self-employed.

May we also request your:

Home Phone:

Work Phone:

Email:

### What is the McCain-Palin Compliance Fund?

Contributions to the McCain-Palin Compliance Fund will be used solely for legal and accounting services to ensure compliance with federal law and not for campaign activities. Compliance Fund contributions may be used to pay for:

- Broadcast advertising (up to 5 percent);
- National and State office "overhead" expenses (payroll, utilities, etc.);
- Computer/website equipment and maintenance;
- Voting recounts; and
- Other federal election law legal and accounting activities.

If these costs are not paid from the Compliance Fund, the McCain Campaign must use limited funds from the general-election campaign account for all of these expenses. Compliance Fund contributions are useful because they preserve 100% of campaign funds for media, mail, phones, and get-out-the-vote programs.

### Paid for by McCain-Palin Victory 2008

A joint fundraising committee by and composed of the Republican National Committee, the Michigan Republican Party, the Missouri Republican State Committee, the Ohio Republican Party State Central & Executive Committee, the Republican Federal Committee of Pennsylvania, and the McCain-Palin Compliance Fund.

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**FedEx. US Airbill**

**8675 9506 5070**

Expires

1 From: Sender's Address

Sender's FedEx Account Number: SENDER'S FEDEx ACCOUNT NUMBER ONLY

Sender: Mr. Stephen T. Frenkel Phone: ( )

Company:

Address:

City: Washington, DC State: DC Zip: 20739

2 Your Internal Billing Reference: 15200 OPTIONAL

3 To: Recipient: John McCain Phone: (866) 773-2009

Company: McCain-Palin Victory 2008

Package:

Weight: 1235 g.

Address: 1235 S. Clark St, Suite N

City: Arlington State: VA Zip: 22202

NOV2006 09122009



Senders Copy

4a Express Package Service

☐ Next Business Day ☐ First Business Day ☐ Second Business Day

☐ Priority Overnight ☐ Priority Overnight ☐ Priority Overnight

☐ 2 Day ☐ 2 Day ☐ 2 Day

☐ Standard Overnight ☐ Standard Overnight ☐ Standard Overnight

☐ Overnight ☐ Overnight ☐ Overnight

☐ Special Handling ☐ Special Handling ☐ Special Handling

☐ Signature Required ☐ Signature Required ☐ Signature Required

☐ Insured ☐ Insured ☐ Insured

☐ Registered Mail ☐ Registered Mail ☐ Registered Mail

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